

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LORENA WISE,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO.
v.)	
)	
JOHN DOE; ARKA EXPRESS,)	
INC. & BJT EXPRESS INC. d/b/a)	
BULLPEN EXPRESS INC.; and)	
AMERICAN HALLMARK)	
INSURANCE COMPANY OF)	
TEXAS,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW defendants Arka Express, Inc. ("Arka"), BJT Express Inc. d/b/a Bullpen Express Inc. ("BJT") and American Hallmark Insurance Company of Texas ("Hallmark"), and, pursuant to 28 U.S.C. §§ 1441 and 1446, file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On February 2, 2023, plaintiff filed a complaint in the State Court of Fulton County, Georgia Civil Action No. 23EV000783, which county is within the Atlanta Division of the Northern District of Georgia.

2.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit A. Defendants have no knowledge of any other process, pleadings, or orders served in connection with this action, other than those attached hereto.

3.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

4.

There is complete diversity among the parties.

5.

Plaintiff is a citizen of the State of Georgia. (Compl., ¶1.)

6.

Defendant Hallmark is incorporated in the State of Texas with its principal place of business in the State of Texas. (Compl., ¶ 25) Defendant BJT is incorporated in the State of Illinois with its principal place of business in the State of Illinois. (Compl., ¶ 13; *see also* Illinois Secretary of State, *Business Search results* attached hereto as Exhibit B.) Defendant Arka is incorporated in the State of Illinois

with its principal place of business in the State of Illinois. (Compl., ¶ 6; *see also* Illinois Secretary of State, *Business Search results* attached hereto as Exhibit C.)

7.

The citizenship of the unnamed, fictitious defendant John Doe "shall be disregarded." 28 U.S.C. § 1441(b); *Smith v. Comcast Corp.*, 786 Fed. App'x 935, 939 (11th Cir. 2019) ("Even if the fictitious defendants were likely not diverse, their citizenship must be disregarded for purposes of diversity jurisdiction.") (citation marks omitted).

8.

Plaintiff is seeking recovery in an amount in excess of \$75,000, exclusive of interest and costs. (*See Exhibit D* (e-mail correspondence between counsel regarding amount in controversy))

9.

All of the defendants consent to removal.

10.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact; is warranted by existing law; and is not interposed for

any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this Notice of Removal having been filed, said action shall proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, and no further proceedings shall be held in said case in the State Court of Fulton County.

STONE KALFUS LLP

/s/ Shawn N. Kalfus

Matthew P. Stone

Georgia Bar No. 684513

Shawn N. Kalfus

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Attorneys for Defendants

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CERTIFICATE OF SERVICE

This is to certify that I have this date served the foregoing *Notice of Removal* to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

Johnquel E. Neal, Esq.
WLG Atlanta, LLC
Bank of America Plaza
600 Peachtree Street, NE
Suite 4010
Atlanta, GA 30308

This 13th day of February, 2023.

/s/ Shawn N. Kalfus

Shawn N. Kalfus
Georgia Bar No. 406227

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